

REMARKS

I. Introduction

Claims **1-38** are currently pending in the present application. Claims **1-2, 11, 18, 34-35, and 38** are independent.

In the Office Action, the Examiner imposes the Restriction. In particular, the Examiner states that the pending claims describe two (2) distinct “Groups”:

- I. Claims **1, 11-14, 15-16¹**, and **17...**, classified in class 463, subclasses 23 and 29.
- II. Claims **2-10 and 18-38...**, classified in class 463, subclasses 25, 29, and 43.

(Office Action, pg. 2, lines 4-7; emphasis added).

Applicants provisionally elect to prosecute “Group” II (including claims **2-10 and 18-38**). This provisional election is made with traverse. That is, Applicants respectfully disagree with the Examiner's proposed Restriction. Applicants request reconsideration of the Restriction in light of the following arguments and remarks, and pursuant to 37 C.F.R. §1.143. Applicants accordingly reserve the right to Petition the Restriction should it be made final.

Applicants respectfully note that the Examiner has failed to set forth a *prima facie* case for restriction at least because the Examiner has failed to show how examination of the different “Groups” would be a **burden**, such as by requiring a different search. Indeed, the Examiner’s own classification of the “Groups” shows **overlap** between even the subclasses allegedly to be searched.

Accordingly, those claims from Group I that the examiner classifies in subclass 29 should be included in any search and examination of Group II, should the Restriction be maintained even in light of this error.

¹ Applicants assume that claims **15-16** are also to be included in this group since they depend upon claim **11** of this group; and the Examiner fails to otherwise address claims **15-16**.

II. Conclusion

At least for the foregoing reasons, it is submitted that all pending claims are now in condition for allowance, *or in better form for appeal*, and the Examiner's early re-examination and reconsideration are respectfully requested. Applicants' silence with respect to any comments made in the Office Action does not imply agreement with those comments.

If there remain any questions regarding the present application or the cited reference, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number (203) 461-7017 or via e-mail at cfincham@walkerdigital.com, upon the Examiner's convenience.

III. Fees and Petition for Extension of Time to Respond

While no fees are believed to be due at this time, please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date

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